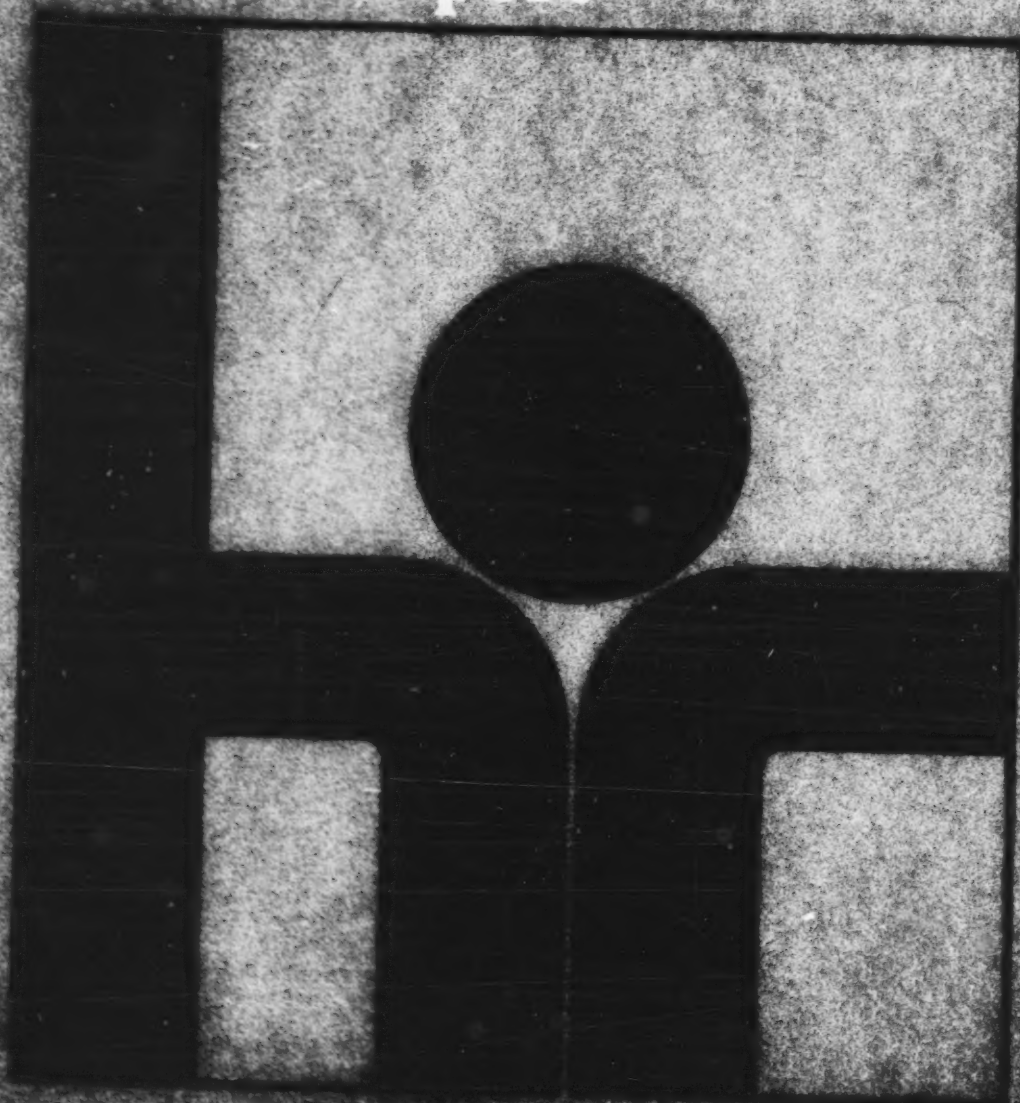


Annual Report



April 1, 1984 - March 31, 1985

Alberta
HUMAN RIGHTS COMMISSION



The Alberta Human Rights Commission's logo symbolizes several important concepts associated with human rights.

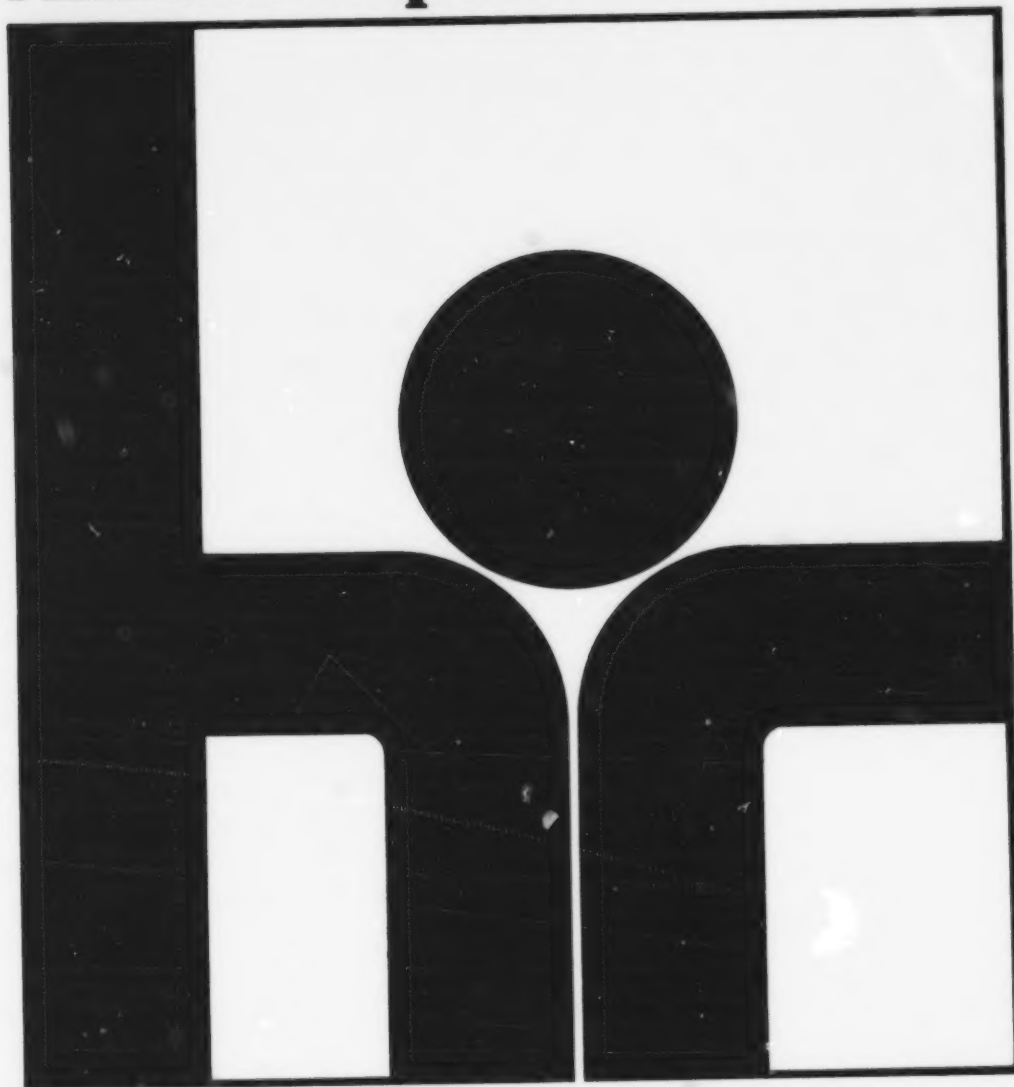
The person with outstretched arms represents friendliness, a warm reception of other people and a willingness to assist.

A staff indicates support and help available from the Commission.

The letter 'h' is a reminder of the wheelchair, a symbol connected with the physically disabled.

The generic human element makes no distinction on the basis of gender or race.

Annual Report



April 1, 1984 - March 31, 1985

Alberta
HUMAN RIGHTS COMMISSION

ISSN 0360 - 4518



LABOUR

403/427-3664

Office of
the Minister

404 Legislature Building
Edmonton, Alberta, Canada
T5K 2B6

September, 1985

The Honourable G. Amerongen
Speaker
Legislative Assembly of Alberta

Sir:

I have the honour to submit the Annual Report of the Alberta Human Rights Commission for the fiscal year ended March 31, 1985. The report is submitted in accordance with section 18(2) of the Individual's Rights Protection Act.

Respectfully submitted,

Leslie G. Young
Minister of Labour



HUMAN RIGHTS COMMISSION

Room 902, 10808 - 99th Avenue, Edmonton, Alberta, Canada T5K 0G2 403/427-3116

September, 1985

The Honourable Leslie G. Young
Minister of Labour
Room 404, Legislature Building
Edmonton, Alberta

Dear Mr. Young:

I am pleased to submit to you, the Minister responsible for the administration of the Individual's Rights Protection Act, the Annual Report of the Alberta Human Rights Commission for Fiscal year 1984-85 for tabling before the Legislative Assembly.

Yours truly,

A handwritten signature in cursive script, reading "Marlene Antonio".

Marlene Antonio
Chairman



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"WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world; and

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, physical characteristics, age, ancestry or place of origin; and

WHEREAS it is fitting that this principle be affirmed by the Legislature of Alberta in an enactment whereby those rights of the individual may be protected":

**...From the Preamble to the Individual's
Rights Protection Act.**

Chairman's Report

During 1984-85, the Alberta Human Rights Commission experienced a busy, productive year. As a result of the dedication and support of staff and commissioners alike, challenges faced have been successfully met.

In addition to what might be termed a regular work load, the Commission hosts, in May, the 1985 annual conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA). This organization will bring together representatives of federal, provincial and territorial human rights agencies.

Much time has been spent in planning and organizing the conference. The theme will focus on legal issues which surround the administration of human rights codes. To this end, fine speakers have been contacted in the hope that both sides of any issue will be heard by our colleagues in human rights.

One major task undertaken this year was the formulation of a set of proposed amendments to the *Individual's Rights Protection Act*. Long hours were spent in meetings with lobby groups, in research and in discussion, until the Commission adopted a final version of the proposed changes.

Finally, in July, the Commission made public some twenty recommended changes. While many of these dealt with procedures and with changes to existing terminology, the main thrust dealt with expanding "grounds" to include sexual orientation, pregnancy and mental disability. Also recommended were changes to the existing definitions of age and marital status.

During the year the Commission made changes in two policy areas. First, the existing definition of sexual harassment (acts of touching, feeling, propositioning and threatening the victim by a person in a position of authority) was expanded to include verbal abuse of a sexual nature and harassment by fellow workers.

The recipient of such actions has a responsibility to make it clear to the perpetrator and/or to management that such actions are unwanted. Should the actions continue, both the harasser and management may be named when a complaint is laid. For this reason, the Commission recommends that employers draft and post policies directed against sexual harassment within their organizations.

Second, the Commission revised its policy relating to bona fide occupational qualification opinions. In the past, the Commission has been petitioned to offer opinions as to whether or not certain jobs could be filled only by persons of a given sex or religion. In view of the fact that any opinion was indeed **only** an opinion, and thus had no legal authority, the Commission decided that it would no longer consider requests of this nature. Parties who in the past have received such opinions were advised of the policy change.

In November the Commission, through the chairman, presented a brief to the Automobile Insurance Board during public hearings in Calgary. The brief outlined the long-standing position of the Commission that automobile insurance rating

schemes based on sex are discriminatory. Present rating schemes perpetuate the stereotype that **all** young males are bad drivers. The Commission urged that greater consideration be given to individual driving records. It also suggested that unisex tables be considered as another means of resolving the controversy.

During the past year the Commission noticed a slight reduction in the number of formal complaints lodged: 315, compared with the previous year's 328. In addition, many potential complaints were resolved informally — by a phone call asking, for example, if an employer was aware that it was illegal to post a sign advertising for female help only.

It is interesting to note that four years ago the majority of complaints (52%) were filed on the basis of sexual discrimination, while 18% were filed on the basis of race or colour. Over the years complaints of sexual discrimination have decreased to 37%, while complaints of racial or colour discrimination have risen to 37% of the total case load.

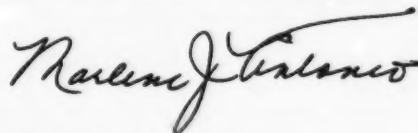
During fiscal year 1984-85, a number of complaints dismissed by the Commission found their way to the office of the Ombudsman, accompanied by requests that he review the investigations done by the Commission. However, in every case the Ombudsman was satisfied that the investigation was fair, full and impartial.

In recent years the Commission has been concentrating on improving its educational programs in order to provide better service to educational institutions, special interest groups, employers and the general public. These programs have proven to be popular and the response to them has been very encouraging.

This year, in addition to redrafting the unit on human rights that appears as part of the grade ten social studies curriculum, the Commission has developed a workshop dealing with sexual harassment and has participated jointly with the Edmonton Police Department in the development of a video tape to be used in "roll call" education.

To further bolster its educational program, the Commission approved a new educational plan which would, among other things, see an increase from two to four in the number of educational officers on staff. This change will enable the Commission to reach a larger audience across the province.

While the Commission faced numerous challenges this year, the next couple of years will present different types of challenges, including the interpretation of new provisions expected to be made in *The Individual's Rights Protection Act*.



Marlene Antonio
Chairman

Introduction

Individual's Rights Protection Act

The *Individual's Rights Protection Act* (IRPA) bestows on the Commission a two-fold mandate; to promote and safeguard the spirit and principles embodied in the Act; and to protect Albertans against acts of discrimination. The Alberta Human Rights Commission fulfills its mandate through investigation and enforcement activities.

The IRPA protects Albertans from acts of discrimination in three main areas: employment, tenancy and public services. It is a contravention of the Act to discriminate against anyone because of race, colour, sex, religious beliefs, physical characteristics, ancestry or place of origin in any of those three areas. Age and marital status are protected categories in employment only.

The IRPA is not a criminal code. The Commission does not look for "guilt" or "innocence." It does not have the power to order an employer, landlord or service-provider to pay a fine or agree to a settlement. The Commission does, however, have the responsibility of attempting to negotiate settlements which lead to the satisfactory resolution of complaints. Where discrimination has occurred against an individual, the Commission has the responsibility of attempting to negotiate a remedy that will, to the greatest extent possible, restore that individual to the same circumstances that pertained before the act of discrimination took place. The aim of the Act is to give everyone in Alberta an opportunity, free from discrimination, to earn a living, find a place to live and enjoy public services and accommodations.

When the Commission receives a complaint alleging an act of discrimination, human rights officers first determine whether the Commission has jurisdiction and whether there are "reasonable grounds" to believe discrimination has occurred.

When it appears that the IRPA has been contravened, the complainant is required to sign a complaint form. Since the Commission is unable to investigate until a complaint is signed, individuals wishing to protect their rights must accept the responsibility of signing a complaint form. Once the form is signed, the respondent is notified of the complaint.

Commission investigations are objective and impartial. Respondents and complainants are given an equal opportunity to present their respective positions.

If it is determined that the IRPA has been contravened, Commission officers attempt to negotiate a settlement. Commission officers do not have the power to order a settlement. Because each case is unique, negotiated settlements can vary from letters of apology to cash settlements for lost wages.

Through the Commission's educational activities, schools, businesses, unions, special interest groups and the general public learn about the provisions of the IRPA and are encouraged to reflect upon the spirit and principles contained in them.

Through these educational activities, more and more

Albertans have come to realize that the IRPA is not designed to control prejudice — what people think — but to prohibit discrimination — what people do.

Alberta Human Rights Commission

The Alberta Human Rights Commission is made up of seven members who are appointed by the Lieutenant-Governor in Council to represent the public at large.

The Commission meets every month with meetings alternating between Calgary and Edmonton. Meetings are also sometimes held in other parts of the province.

The Commission has continued its policy of opening a portion of some meetings to the public and the media and releasing details of settled cases during these public meetings. The open portion has also enabled groups and individuals who have appeared before the Commission to discuss matters of concern or mutual interest. Confidential sessions are used to formulate policies, review complaints and discuss issues affecting the Act.

The Commission, though appointed by the Lieutenant-Governor in Council, has independence and autonomy which are respected by the government. The Minister of Labour is responsible for the administration of the *Individual's Rights Protection Act*.

Administration

The head office, located in Edmonton, houses the chairman, executive director and support staff. This office is separate from the regional offices.

The Commission maintains two regional offices, one in Calgary, the other in Edmonton. It is through these offices that the majority of contacts between the public and the Commission staff, who are full-time public service employees, occur. The northern regional office in Edmonton is responsible for the area north of Red Deer, while the southern regional office in Calgary is responsible for Commission activities in Red Deer and the southern part of the province.

Streamlining of guidelines and procedures has enabled Commission staff to reduce the average time required to settle a complaint to 105 days, compared with an average of 492 days five years ago.

The Commission responded to over 11,000 inquiries from people seeking information. Only 2,637 of these fell within the Commission's jurisdiction, but wherever possible appropriate referrals were made.

Investigative Responsibilities

Under Section 20 of the IRPA, the Commission investigates the circumstances of a complaint before it endeavours to effect a settlement. Negotiated settlements may include anything from an apology to monetary compensation. Neither the

Introduction

Commission staff nor the commissioners can order either of the parties involved to accept a settlement.

The Commission may dismiss a complaint at any stage of the proceedings if, in its opinion, the complaint is without merit.

A person investigating a complaint may do any or all of the following:

- “(a) enter on the land or premises of a person, other than a room or place actually used as a dwelling, at any reasonable time and examine them;
- (b) demand the production for examination of employment applications, payrolls, records, documents, writings, and papers that are or may be relevant to the investigation of the complaint;
- (c) on giving a receipt for them, remove any of the things referred to in clause (b) for the purpose of making copies or extracts of them.”

Investigators may enter and examine a room or place used as a dwelling only if:

- “(a) the owner or person in possession of it gives his consent to the entry and examination, or
- (b) the entry and examination is authorized by an order of a judge of the Court of Queen's Bench.”

If the person investigating the complaint:

- “(a) cannot obtain consent to enter and examine a room or place actually used as a dwelling, or, having received consent, is obstructed or interfered with, or
- (b) is refused entry to land or premises other than a room or place actually used as a dwelling,”

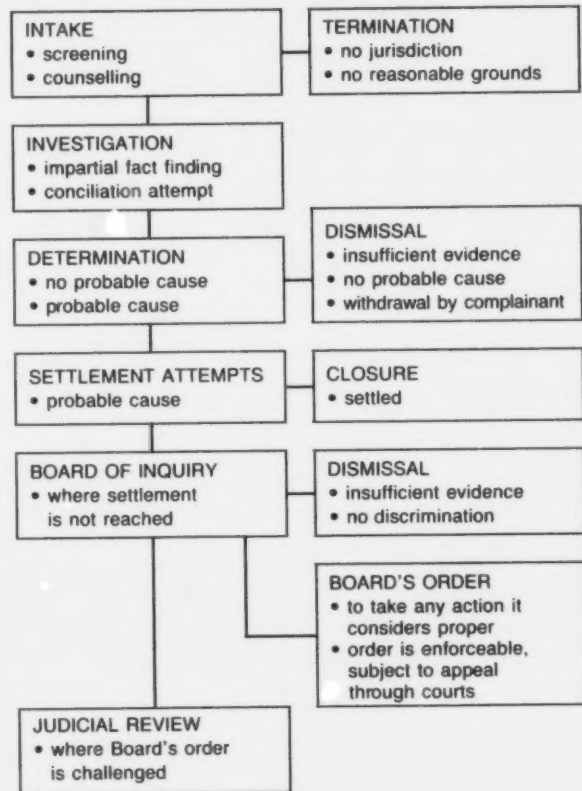
he or she may apply to a judge of the Court of Queen's Bench for an order.

If the judge is satisfied that there are reasonable and probable grounds for believing that access is necessary for the purposes of the investigation, he or she may make an order:

- “(a) authorizing the entry and examination, or
- (b) prohibiting any person from obstructing or interfering with the entry and examination, or both.”

When a person refuses a demand to produce relevant documents, the human rights officer may apply to a judge of the Court of Queen's Bench and the judge may make any order necessary to enforce compliance.

Steps In Processing Complaints



Commission Members



Chairman, Marlene Antonio
19 December 1979 to 31 December 1985
Appointed Chairman 1 December 1981
Re-appointed Chairman 23 November 1983

A resident of Calgary, Marlene Antonio has extensive experience as an educator. In the Division of Continuing Education for the Calgary Board of Education, she taught basic skills to the disabled and the disadvantaged. She has taught in the Stettler, Medicine Hat and Drayton Valley school systems, at Mount Royal College in Calgary and in the Faculty of Education, University of Calgary. She has worked as a geologist with Texaco Exploration and the University of Saskatchewan (National Research Council). She received her B.Ed. and B.A. degrees from the University of Saskatchewan and was the university's first woman graduate in geology. She has also completed graduate work in Education at the University of Calgary. Mrs. Antonio served as a member of the Minister of Education's Committee on Tolerance and Understanding. In recognition of her efforts she was awarded the Good Servant Medal by the Canadian Council of Christians and Jews. Mrs. Antonio is the 1984-85 president of the Canadian Association of Statutory Human Rights Agencies.



Stanley Scudder
1 April 1981 to 31 March 1985

Stanley Scudder, born in Winnipeg, Manitoba, is president of an Edmonton insurance agency and has been associated with the insurance industry for the past 38 years. He is involved with church activities and is chairman of the Church and Society Committee, a subcommittee of the Edmonton Diocese of the Anglican Church. The committee deals with such topics as justice, native concerns and the problems of the needy and oppressed. He is founding president of the Westmount Christian Council, an ecumenical group in west Edmonton.



Sheryl Wowk
1 November 1981 to 1 November 1985

Sheryl Wowk was born and raised in Edmonton and has been involved for a number of years in community affairs. Ms. Wowk serves at present on the boards of directors of the United Way of Edmonton and On-Site Placement Services. She takes an active part in union activities and she served for three terms on the executive council of the Alberta Federation of Labour (A.F.L.). Ms. Wowk, a graduate of the Labour College of Canada, served as chairperson for the Duke of Edinburgh Commonwealth Conference Study. She was the chairperson of the A.F.L.'s Human Rights Committee. She has worked for Air Canada for the past 18 years.



Alice Haxton
10 January 1982 to 31 January 1986

Alice Haxton is one of the pioneers of the Fort McMurray area. She was born and raised near Winnipeg, Manitoba, and lived in northern British Columbia before moving to Fort McMurray. Widowed in 1972, she operated the family-owned business, Haxton's General Store, on her own until it was destroyed by fire on Christmas Day 1979. Mrs. Haxton is actively involved in her own business interests as well as in the business community. She was formerly president of the Fort McMurray Chamber of Commerce, president of the Fort McMurray Burns Club, and honorary chairman of the United Way. She is on the board of directors of the Fort McMurray Family Y.M.C.A., and is a member of the steering committee of the Downtown Business Association.

Commission Members



Gerri Ehli - Many Fingers
7 July 1982 to 30 June 1986

A resident of Cardston, Gerri Ehli is commercial development co-ordinator for the Blood Tribe Economic Development Department. She has been involved in a number of community projects, including volunteer work with the Southern Alberta Native Handicapped Society. Before joining the economic development group 14 years ago she worked for a bank, an insurance company, a radio station and the federal department of Indian and Northern Affairs. Ms. Ehli is also a clothes designer. As a result of her marriage, Ms. Ehli is a non-status Native.



Suzanne Mah
1 November 1984 to 31 October 1988

Suzanne Mah is a partner in the Edmonton law firm of Ferguson, Switzer and Mah. Her areas of practice include corporate and small business law, commercial law and real estate. Ms. Mah also teaches legal relations courses in the Faculty of Business at the University of Alberta. She is a working group member with McKay House Multicultural Centre/Edmonton Immigrant Services Association, a member of the board of directors of the Alberta Cultural Heritage Foundation and a member of the Mah Society and the Chinese Benevolent Society.



William Leslie
1 November 1984 to 31 October 1988

William Leslie is a Grande Prairie businessman with many years of management experience. He is currently employed at Trumpeter Travel in Grande Prairie as an outside salesman. Actively involved in School Board affairs, Mr. Leslie has served for twenty years as a Grande Prairie school trustee. In addition to being a member of the Alberta School Trustees Association he has participated in two educational finance task forces.



Roland Miles
7 November 1979 to 31 October 1984

Roland "Rollie" Miles was born in Washington, D.C., and came to Canada as a baseball player. He later played with the Edmonton Eskimos for 11 years. He has been involved in education with the Edmonton Separate School Board for more than 29 years as a teacher, consultant and supervisor. He is a former director of the Canadian Council of Christians and Jews, a member of the Commonwealth Games Committee and former president of the Canadian Progress Club, as well as a member of the Health and Physical Education Council.

Commission Members



Kenneth McNeill

1 October 1983 to 24 July 1984

Kenneth McNeill is vice-president of administration, Home Oil Company Limited. Before joining Home Oil, Mr. McNeill was manager of employee relations with Hudson's Bay Oil and Gas and from 1954 to 1969 he was a member of the City of Calgary Police Department. Mr. McNeill studied aeronautical engineering technology at S.A.I.T. and has taught at Mount Royal College and the University of Calgary.

Policies, Proposals, Definitions and Presentations

Proposed Amendments to the Individual's Rights Protection Act

In July 1984, the Alberta Human Rights Commission announced its proposals for amendments to the *Individual's Rights Protection Act*.

The review process, which culminated in the amendment proposals, began in 1983, after an Alberta Court of Queen's Bench ruling stated that protection for pregnant women against discrimination in employment was not guaranteed under the terms of the *Individual's Rights Protection Act*. Before that ruling the Commission had interpreted the IRPA as implying that sex discrimination in employment included discrimination because of pregnancy, even though pregnancy was not explicitly mentioned in the Act.

The need for an amendment to extend protection against discrimination to pregnant women was evident. At the same time, on the basis of field experience and a study of human rights legislation in other jurisdictions, and taking into account concerns which had been expressed to the Commission by special interest groups, the Commission considered recommending other changes to the human rights legislation.

The amendment package finally forwarded to the Minister of Labour proposed the new protected grounds of mental disability and sexual orientation; redefinition of age to include any age over the age of majority to age 65, and extension of protection against age discrimination to include tenancy and applications and advertisements for employment; an expanded definition of "sex" to include pregnancy; the extension of protection against discrimination in employment because of marital status; legislative authority for the concept of reasonable accommodation; clarification and streamlining of complaint investigation and settlement procedures; and modification of judicial and Board of Inquiry responsibilities.

Sexual Harassment Definition and Interpretation

As a result of a decision by a Board of Inquiry, the Alberta Human Rights Commission became concerned that the existing definition of sexual harassment was not adequate because it did not specifically address verbal harassment. The Commission undertook a thorough study of sexual harassment and released a new definition and interpretation in September 1984.

The revised policy emphasizes that sexual harassment is not only a matter of touching, feeling and propositioning; it may also occur when a person is verbally abused by unwanted, ongoing, gender-related comments of a personal nature or is continuously assailed with unwanted, gender-related "four-letter words." If allowed to continue, these actions become conditions of employment (or of tenancy or of services) that may adversely affect some individuals.

The new policy recognizes that co-workers as well as superiors in employment situations may be responsible for acts of sexual harassment. However, the policy also stresses that individuals who feel they have been the victims of sexual harassment have a responsibility to make their objection known to the offender, to someone in authority, or both.

Automobile Insurance Hearings

In June 1979, a Board of Inquiry ruling stated that the automobile insurance industry was contravening the *Individual's Rights Protection Act* because insurance ratings were based on sex.

Since that time the Government of Alberta has granted the insurance industry two successive exemptions from the terms and conditions of the *Individual's Rights Protection Act* while the industry examined other insurance rating schemes. In November 1984, the Automobile Insurance Board of Alberta, the body responsible for approving auto insurance rates in the province, held hearings in Edmonton and Calgary.

The Alberta Human Rights Commission presented a brief to the Board, addressing the issues of equality and individuality. The Commission brief suggested that automobile insurance rates be based on individual driving records rather than on the concept of the "insurance pool." In this latter system, which is used at present, young men automatically pay higher insurance rates than young women because, as a group, young men are involved in more automobile accidents. The Commission brief endorsed a merit system in which insurance rates would be based on a person's driving record. Those drivers who had not yet established an individual driving profile would be charged a high initial premium and given a rebate if, in their driving record, they maintained a "clean bill of health" for a certain number of years. Thus drivers with poor records would be forced to pay more than those with good records. The chance of receiving a rebate might act as an incentive to maintain good driving records and may also foster more responsible attitudes.

In addition to urging the automobile industry to recognize individual capability in establishing insurance rates, the Commission also focused attention on the principle of equality. While a "unisex" automobile insurance rating scheme would result in gains for some individuals and losses for others, this type of rating method is a fair practice when both sexes seek equality.

Bona Fide Occupational Qualification Policy

The term "bona fide occupational qualification" (BFOQ) refers to specific requirements of a particular job which being unique make it necessary for a person to possess certain attributes or characteristics in order to carry out the functions of that

Policies, Proposals, Definitions and Presentations

particular role. The requirements, by their very nature, will eliminate all other groups within the prohibited grounds of the *Individual's Rights Protection Act*.

The concern with this policy was that the Commission does not have the authority under the provisions of the *Individual's Rights Protection Act* to give what amounts to an advance ruling on whether an employer's hiring practice is bona fide. Since it appears that the legislation was not intended to be used as a means of granting exceptions to the Act based on an application by an interested party, the Alberta Human Rights Commission decided in March to cease granting opinions on BFOQ applications. Parties already in possession of BFOQ opinions were notified that, once expired, the BFOQs would not be renewed. No further requests for BFOQ opinions will be considered by the Commission.

CASHRA

In May 1984, the chairman of the Alberta Human Rights Commission was appointed president of the Canadian Association of Statutory Human Rights Agencies. The Commission was chosen to host the 1985 CASHRA conference in Edmonton. This conference will provide an opportunity to bring together commissioners and officials from federal, provincial and ter-

ritorial Statutory Human Rights Agencies to discuss matters which are of concern to Human Rights Commissions, to exchange information and to assist in planning and fostering cooperative services.

Meetings

Regular Meetings

At the regular monthly meetings presentations were made to the Commission by various special-interest groups, including the Calgary Immigrant Aid Society, the Alberta Association of Consumer Groups of Disabled Persons, Indian Rights for Indian Women, Victims of the Alberta Human Rights Commission, the Calgary Y.W.C.A. and the Calgary Coalition Against Pornography.

Regional Meetings

Due to budgetary restraint, there were no official meetings of the Alberta Human Rights Commission outside Edmonton and Calgary during the year.

However, when possible, the commissioners made an effort to meet with groups and individuals in areas outside the two cities.

Education and Promotion

International Human Rights Day, 10 December 1984

In commemoration of the 36th anniversary of International Human Rights Day, the Alberta Human Rights Commission presented awards to 29 radio stations for their outstanding support of the public service announcement component of the Commission's anti-racism campaign. The stations donated air-time for the broadcast of 'People of Alberta' profiles on the province's ethno-cultural communities, thereby helping to promote tolerance and respect for the cultural heritage of Alberta.

Background material on International Human Rights Day, the various agreements and covenants, and a news feature on the Commission's public education program to combat racism were sent to all media outlets in the province.



Six radio stations which devoted an exceptional amount of time to airing the profiles were honoured at the December 1984 Commission meeting in Edmonton. Commission chairman Marlene Antonio presented plaques to representatives of CJXX in Grande Prairie, CHQR and CFAC in Calgary, and Edmonton stations CKER, CISN and CKRA.

United Nations Fellowship Visit

Alberta's treatment of human rights issues was the subject of study by three representatives of the United Nations. Mohammed Azam Khan of Pakistan, Ramon Baker of Jamaica and Kedarnath Upadhyaya of Nepal spent a week in Alberta under the auspices of the United Nations Fellowship program which helps countries to advance their economic and social development, and public administration, by allowing Fellows to study the way in which relevant institutions operate in other countries. The staff of the Alberta Human Rights Commission coordinated the itinerary for the visit, which included meetings with the commissioners, the Ombudsman and the Attorney General. It also involved a visit to the University of Alberta law faculty and the race relations unit of the Calgary Police Service.

Educational Activities

One of the mandates of the Alberta Human Rights Commission as prescribed in the *Individual's Rights Protection Act* is

"to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, sex, physical characteristics, age, ancestry or place of origin."

The existing education program is aimed at three target audiences: schools, special interest groups and employers. The Commission's public education officers conduct workshops and seminars, make public presentations, and develop resource and curriculum material.

Education officers made 220 formal presentations during the year, involving 6,566 individuals in this process.

The Commission also developed a sexual harassment workshop for presentation to interested groups. The goal of the workshop is to increase knowledge of what constitutes sexual harassment, how it affects victims and employers, and what can be done about sexual harassment in the workplace.

The Commission assisted the Edmonton Police Department in developing the content of a video presentation for use by the police in roll call training. The video explains the *Individual's Rights Protection Act* and details how the Police and the Commission can work together to assist people who feel they have been the victims of discriminatory practices.

In addition to the presentations made throughout the year by Commission staff members, the Commission chairman and commissioners gave numerous talks. They addressed such audiences as the annual conference of the Alberta Urban Municipalities Association, the Institute of Public Administration of Canada (Calgary and Edmonton), the Alberta Federation of Labour, the Insurance Brokers Association of Alberta (Lethbridge and Edmonton) and the Calgary Chamber of Commerce. Commissioners also gave talks in educational institutions and to various special interest groups.

Education Action Plan

The Commission undertook an assessment of its educational program, not to redefine it but rather to develop a more consistent and comprehensive delivery.

Particular emphasis will be placed on increasing educational activity in the secondary and post-secondary school systems. Curriculum unit development at the high school level and the design and marketing of an educational program for use in colleges and universities are the first priorities of the plan. New marketing strategies will be developed for workshops, liaison with special interest groups will be actively pursued, and educational activities in rural areas will undergo expansion.

Public Affairs

Media interest in the activities of the Commission remained high. There were 653 contacts compared with 702 the previous year. These contacts included interviews with the chairman and responses to media requests for information.

Education and Promotion

Two major news conferences were held, one to announce the Commission's proposals for amendments to the *Individual's Rights Protection Act*, the other to discuss the Commission's sexual harassment policy.

Information packages dealing with International Human Rights Day were distributed to all media outlets in the province.

The Commission provided background material for the "Commission Casebook" segment of Alberta Morning on CKUA Radio. Interviews with the chairman, the executive director and the northern regional director, broadcast on the province-wide radio network, serve as an excellent educational tool to let Albertans know the policies, issues and legal limitations of the Alberta Human Rights Commission.

Other public affairs activities included developing advertising, preparing news releases and speeches, analysing media coverage, producing and distributing the *Alberta Human Rights Journal*, responding to general inquiries from the public and preparing the Commission's annual report.

Advertising Guidelines

As part of its continuing effort to promote the principles of human equality and dignity, the Alberta Human Rights Commission requested, through the offices of the Minister of Labour and the Minister without Portfolio responsible for the Public Affairs Bureau, that the Alberta Government develop and implement guidelines to prohibit stereotyping and unequal representation in its advertising programs.

The federal government has guidelines dealing with women in advertising and the province of Ontario has addressed

ethnic minorities in its advertising policy but, to date, there are no guidelines in place in Alberta. The Commission recommended to the Government of Alberta, a major advertiser in this province, that advertising guidelines be adopted to prohibit stereotyping and under-representation of natives, ethnic minorities and the disabled.

"Alberta Is For All Of Us" Campaign

In 1984 the Commission's anti-racism campaign, "Alberta Is For All Of Us," won a series of regional, national and international awards.

The multi-media campaign, launched in the fall of 1983 after a series of racial incidents in the province, featured radio and television commercials as well as newspaper advertisements in the daily, weekly and ethnic press.

The 30-second television commercial "Friends" received an Award of Merit in the Society of New York Art Director's "One Show," as well as a Certificate of Excellence from the Television Bureau of Canada.

The Society of Graphic Designers of Alberta honoured the print portion of the advertising campaign with four awards of merit. The awards were given for the poster, "Alberta Is For All Of Us"; for a companion brochure; and for two newspaper ads.

One of the newspaper ads, which featured three babies and the theme, "Racism means you're judged before you can stand up for yourself", was reproduced as a poster and widely distributed throughout the province.

Boards of Inquiry

When Commission staff and/or commissioners are unable to effect a settlement of a discrimination complaint, the Commission may direct the Minister of Labour to appoint a Board of Inquiry. The Board of Inquiry is a separate body, distinct from the Commission. At this level, the Commission's only duty is to carry the complaint before the Board.

A Board of Inquiry hears evidence, from both the complainant and the respondent, and issues a decision based upon the evidence heard as it pertains to the *Individual's Rights Protection Act*.

Decisions of the Board can be appealed by either party only on the basis of law or mixed fact and law.

The Board itself is a quasi-judicial body with powers established under the *Public Inquiries Act*. Proceedings before the Board are civil, not criminal, in nature.

Naomal Fernando against the Alberta Union of Provincial Employees

Chairman: Richard S. Rennick

Mr. Fernando filed a complaint in June 1981 alleging that the Alberta Union of Public Employees had discriminated against him because of his race and colour. His employment was terminated in August 1981, and one of the grounds of termination cited was "allegations made ... to public sources thereby detrimentally affecting the image of the employer."

As a result of an arbitration hearing, Mr. Fernando was offered a reinstatement by the union. However, the union attached the condition that he drop his human rights complaint.

The Board of Inquiry found that Mr. Fernando's human rights complaint was a proximate cause of his dismissal and, citing *Regina v. Bushnell*, ruled that this was enough to constitute a contravention of the *Individual's Rights Protection Act*.

The Board considered whether the fact that Mr. Fernando's termination had been reviewed in other legal forums rendered the matter *res judicata*, and found that it did not. The rights protected by the *Individual's Rights Protection Act* are specific and different from those provided in labour legislation.

The Board of Inquiry found that the Alberta Union of Public Employees retaliated against Naomal Fernando when it terminated his employment as a union representative partly because he filed a human rights complaint.

The complaint was upheld. However, no damages were awarded since the Board ruled that general damages are not available under the *Individual's Rights Protection Act*, and compensation for lost wages had been provided to Mr. Fernando by other adjudicators.

Jim Christie against the Central Alberta Dairy Pool

Chairman: G. M. Johanson

This matter is under appeal.

Ombudsman

During fiscal year 1984-85 the Alberta Ombudsman received nine complaints against the Alberta Human Rights Commission contending that the Commission had not properly investigated complaints of discrimination. In all cases, the Ombudsman found that the Commission's investigations had been "full, fair and impartial."

Judicial Decisions

In the Court of Queen's Bench with the Honourable Associate Chief Justice Tevie H. Miller in the matter of a complaint of age discrimination in employment filed by Thomas Prue against the City of Edmonton, the Board of Police Commissioners, the Chief of Police of the City of Edmonton and the Edmonton Police Association.

The question of whether police officers are "employees" within the meaning of human rights legislation was placed before the court after Thomas Prue filed a complaint of age discrimination concerning his application for employment as a police officer. The collective agreement between the City of Edmonton and the Edmonton Police Association provides that applicants must be less than thirty-five years old. The respondents argued that police officers have consistently been characterized in law as "holders of public office,"— not as "employees." The respondents contended that since Thomas Prue was not a potential "employee," and the respondents were not "employers" of police officers, the *Individual's Rights Protection Act* did not apply.

The Court found that the Board of Police Commissioners and the Chief of Police of the City of Edmonton are "employers" or "persons acting on behalf of an employer," within the meaning of Section 7(1) of the *Individual's Rights Protection Act*. Further, the Court found that a member of the City of Edmonton Police Force is an "employee" and not merely a "holder of a public office."

The Court held that the *Individual's Rights Protection Act* seeks to protect all Albertans regardless of their particular mode of earning a living, and that ancient common law employment principles cannot have been intended to apply to limit rights provided under the Act. The Court ruled that the *Individual's Rights Protection Act* does apply to the hiring of police officers.

In the Court of Queen's Bench of Alberta with Madam Justice J.B. Veit in the matter of a complaint of denial of services or facilities customarily available to the public filed by Brian and Marie McClung on behalf of their son Kelly against the Minister of Education, the Department of Education and the Calgary Board of Education.

This matter is under appeal.

Employment/Sexual Harassment

A woman filed a complaint with the Alberta Human Rights Commission alleging that her former employer had submitted her to conditions of sexual harassment by pressuring her to engage in an extramarital relationship with him. She further alleged that her persistent rejection of these propositions led directly to the termination of her employment.

The woman was employed in an office as a receptionist. She said that, soon after she was hired, she and one of the male

owners of the company became involved in a sexual relationship and began living together. About two weeks later, that man became reconciled with his estranged wife but pressed the complainant to continue the relationship. She refused and was subsequently dismissed from her job.

Although the employer agreed with most elements of the story, he claimed it was the complainant who was pressing for the continuation of the relationship and that deterioration in her work resulted in her dismissal.

The Commission investigated the complaint by interviewing the office staff, all of whom were women. A number of them said they had been treated in a similar fashion by their employer and one former employee testified that she had heard the employer threaten the complainant with dismissal if she refused to continue their affair.

The case was settled when the employer agreed to provide the complainant with a letter of apology and \$1,800 in compensation.

In addition he agreed to draw up a company policy prohibiting sexual harassment and post it in a prominent location within the work place.

Sexual harassment is considered to be sex discrimination under the provisions of section 7 of the *Individual's Rights Protection Act*.

Tenancy/Race, Colour, Ancestry, Place of Origin

A man of East Indian ancestry filed a complaint of discrimination on the basis of race, colour, ancestry and place of origin after he was unsuccessful in an attempt to rent an apartment.

The man, accompanied by a friend, went to see an apartment for rent. The rental notice was posted on a sign outside the building and indicated that one and two bedroom apartments were available. The woman who answered the door of the caretaker's suite told the man and his friend that her husband was out and had taken the key to the vacant apartment with him. She told them to come back in the evening.

When the man and his friend returned to the apartment building that evening, they were told the apartment had been rented that afternoon. The vacancy sign was still posted outside the building.

During the investigation, the woman who had answered the door of the caretaker suite explained she had been extremely ill when the two men came to the door and was not in a good frame of mind because she had been disturbed. She had later communicated this to her husband.

The caretakers wrote a letter of apology to the man and paid him a sum of \$100. The company which owned the apartment building also offered him the opportunity to inspect, select and lease housing accommodation, and agreed to inform all of its employees that discrimination in rental practices was not acceptable.

Judicial Decisions

Section 4 of the *Individual's Rights Protection Act* prohibits discrimination in tenancy.

Employment Application/Physical Characteristics, Ancestry, Place of Origin

A man of Puerto Rican descent filed a complaint with the Commission alleging discrimination on the basis of physical characteristics, ancestry and place of origin after he replied to a job advertisement in the newspaper. In response to his application, the man received a letter from the company manager asking that he submit a recent photograph and fill out the company's employment application form. The form asked questions pertaining to physical characteristics, ancestry and place of origin.

Upon investigation of the complaint it was revealed that the complainant had already volunteered the information in his resume. The company explained the request for a photograph was made for the sole purpose of recognizing the applicant in the event an interview was arranged.

The case was settled when the company revised its application form with assistance from the Commission.

It is a contravention of section 8 of the *Individual's Rights Protection Act* to discriminate on employment application forms.

Employment Advertisement/Sex

A man filed a complaint of sex discrimination with the Alberta Human Rights Commission after he noticed an advertisement posted on a bulletin board that stated a company was seeking a woman for employment as a part-time rental agent. The man believed that the advertisement discriminated on the basis of sex.

The Commission handled this complaint through an educational approach to the company which had posted the job advertisement. Company officials agreed to comply with the provisions of the *Individual's Rights Protection Act*, and set out an equal employment policy to ensure that recruitment,

selection and employment would be handled without regard to race, religious beliefs, colour, sex, physical characteristics, marital status, age, ancestry or place of origin.

The company also agreed to periodically remind all employees with supervisory or recruitment responsibilities of the equal employment policy and to let all employees know that violations of the policy constitute grounds for serious disciplinary action.

Section 8 of the *Individual's Rights Protection Act* prohibits discrimination in employment advertisements.

Employment/Physical Characteristics

A man filed a complaint of discrimination, on the basis of physical characteristics, after he had been dismissed from his job transporting sulphuric acid because he was unable to taste or smell. The complainant argued that, because sulphuric acid is odourless, the senses of taste and smell should not be required in his work, and therefore were not bona fide requirements for the job.

The employer confirmed that the loss of the sense of smell was the reason for the man's termination of employment. The company argued that an employee in the complainant's position had to have the senses of taste and smell in order to be able to detect the presence of other dangerous chemicals in the chemical plant environment; without this ability he could pose a risk to his own and others' lives, and to property. Further, the employer said that the complainant could not be retained because there were no other positions to which he could be transferred.

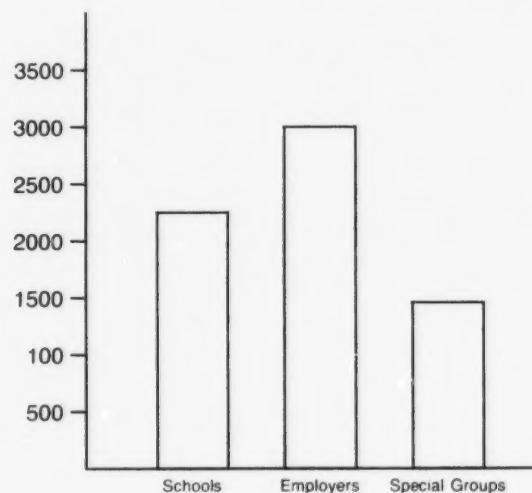
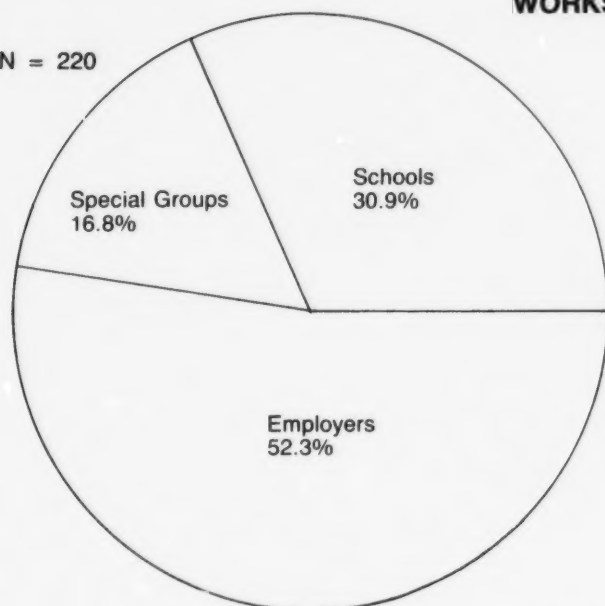
Expert witnesses agreed that the employer's decision to terminate the complainant's employment was valid under the circumstances. The complaint was therefore dismissed.

Section 7 of the *Individual's Rights Protection Act* prohibits discrimination in employment on the basis of physical characteristics, but does not apply where a bona fide occupational qualification is established.

EDUCATIONAL ACTIVITY

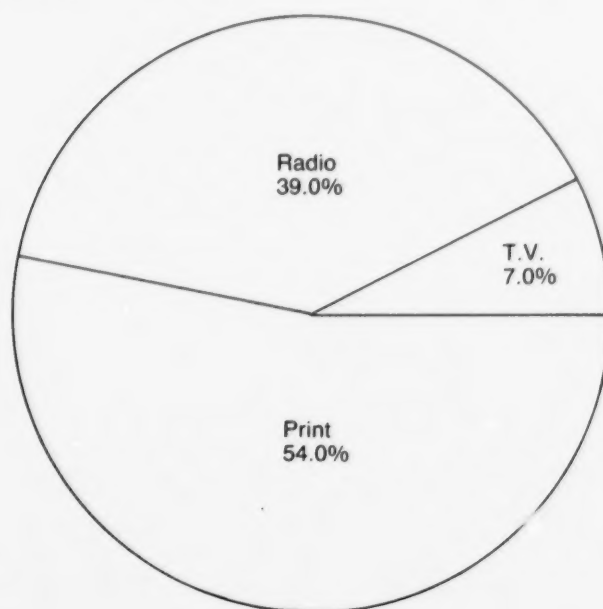
WORKSHOPS

N = 220



Workshop Participants

MEDIA CONTACTS



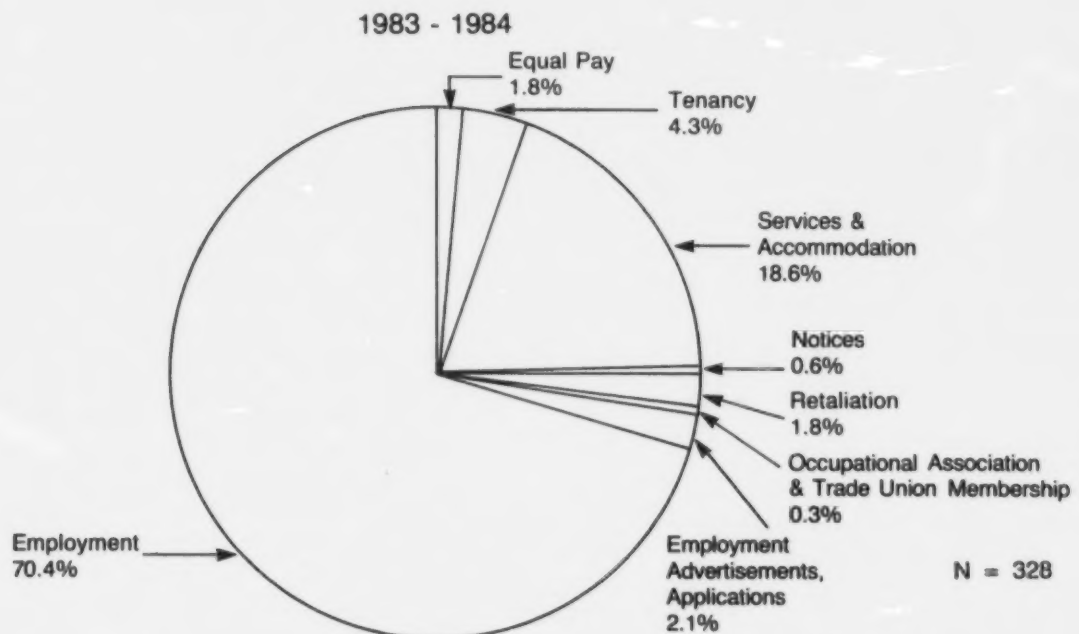
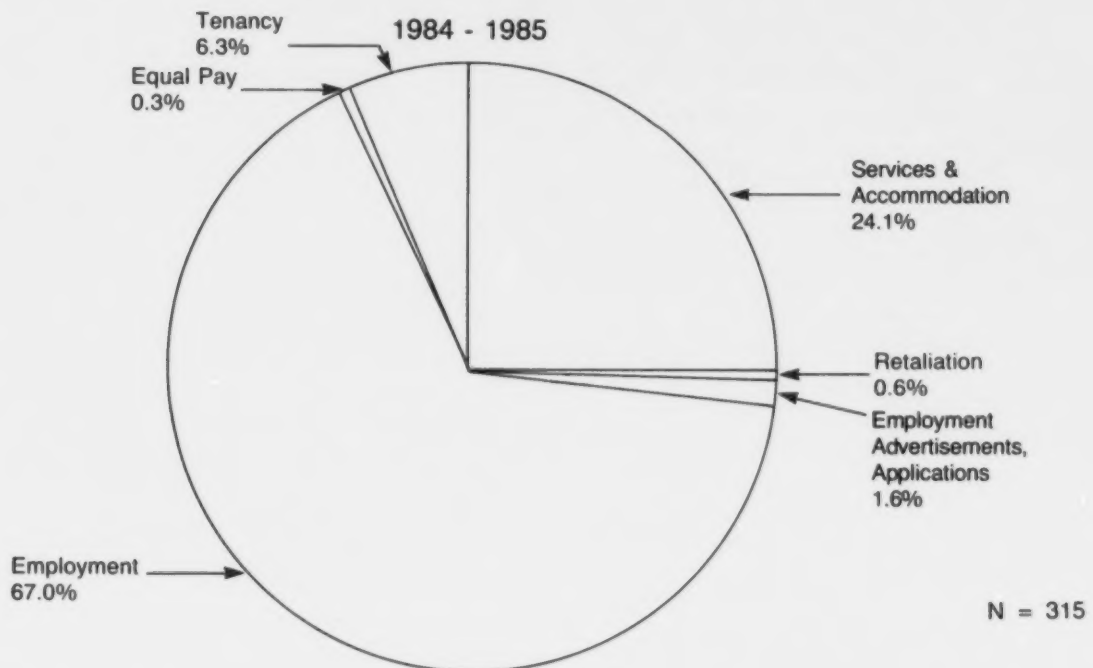
N = 653

Statistics

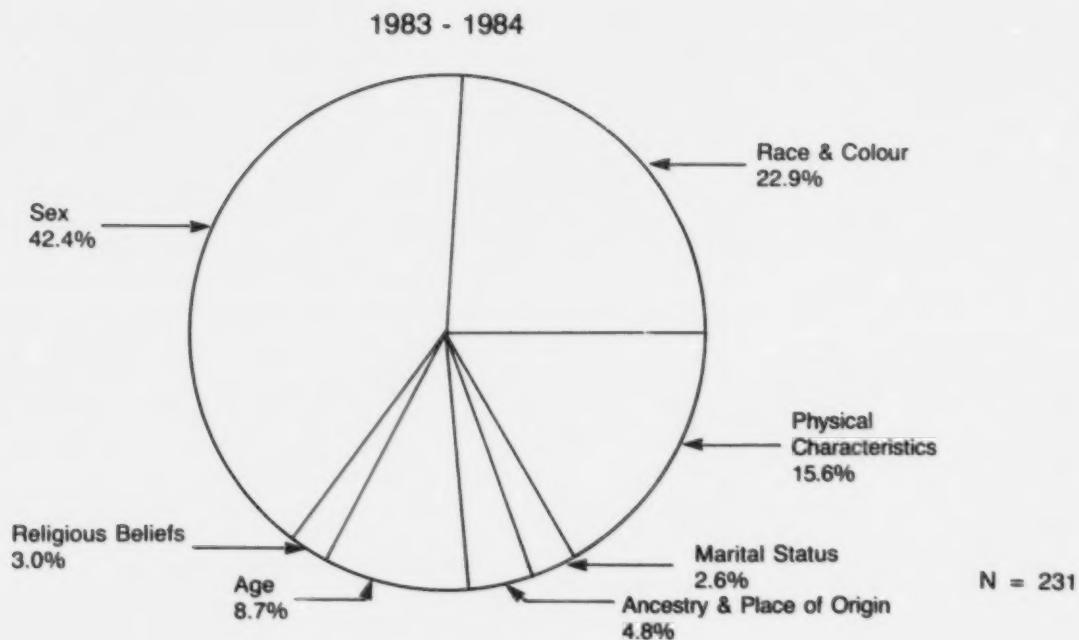
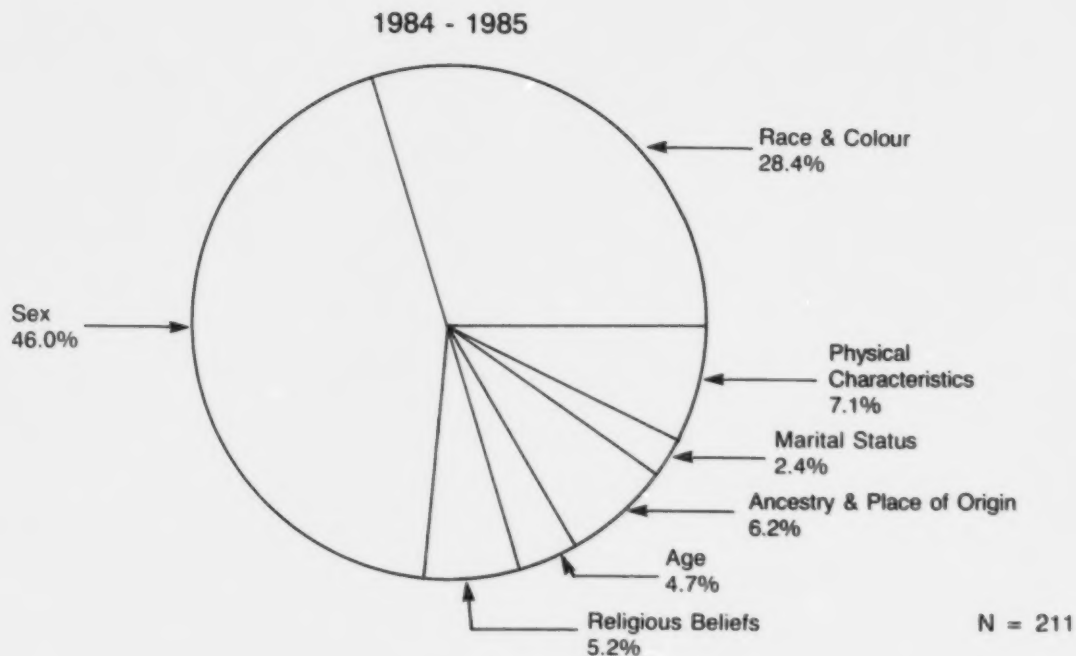
COMPLAINTS FOR TOTAL PROVINCE April 1, 1984 - March 31, 1985

	Discrim- inatory Signs	Public Accommo- dation Services	Tenancy	Equal Pay	Employ- ment	Advertise- ments Applica- tions	Unions etc.	Retaliation	Total	Percentage
Race/Color Black		23	4		24				51	36.5
Native		10	5		7				22	
S. Asian		4	1		11				16	
Oriental		3	1		13				17	
White		1			1				2	
Others		1	1		4	1			7	
Sex Male		6			15	2			23	36.9
Female		6	4	1	82				93	
Other Relig. beliefs		3			11				14	4.4
Age					10				10	3.2
Ancestry		4	2		8				14	7.3
Pl. of Origin		3			5	1			9	
Marit. Stat.					5				5	1.6
Phy. Char.		12	2		15	1			30	9.5
Retaliation								2	2	.6
Total		76	20	1	211	5		2	315	
Percentage		24.1	6.4	.3	67	1.6		.6		100

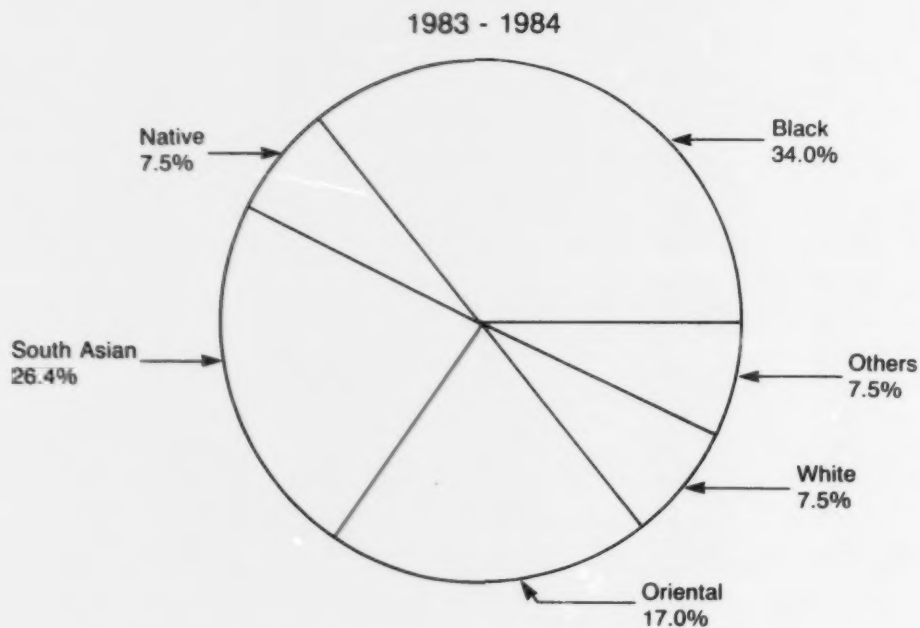
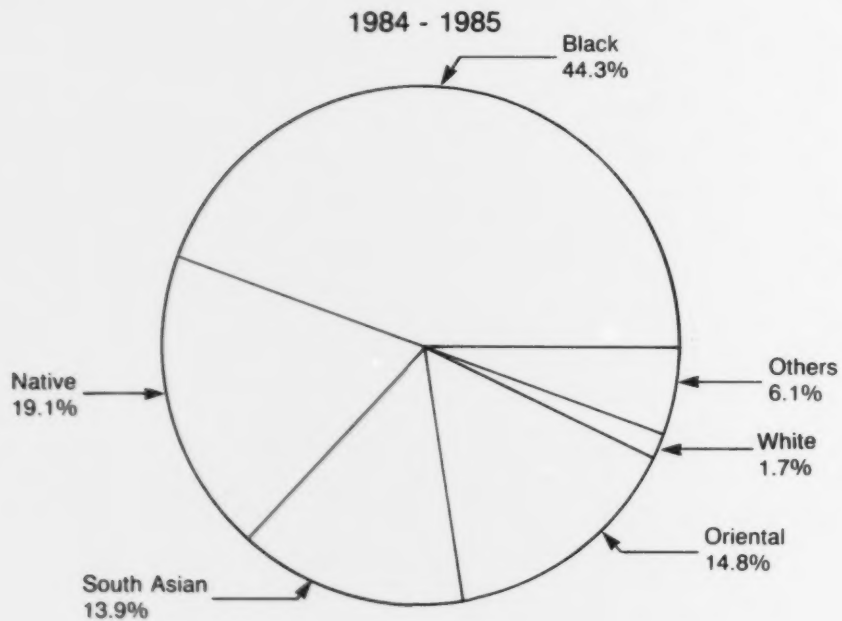
COMPLAINTS BY PROHIBITED AREAS OF DISCRIMINATION



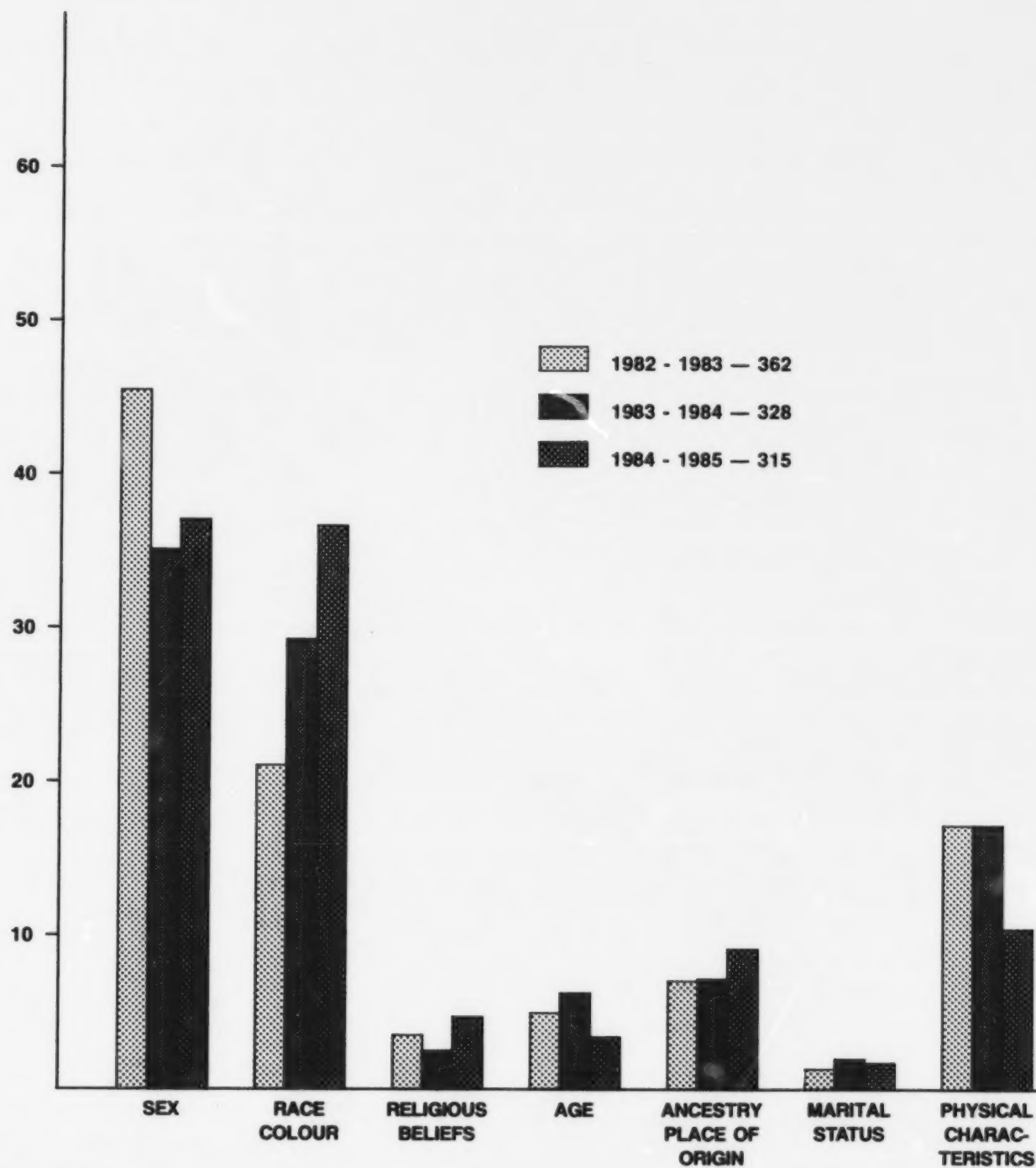
COMPLAINTS BY PROHIBITED GROUNDS OF DISCRIMINATION IN EMPLOYMENT



COMPLAINTS ON BASIS OF COLOUR/RACE



PERCENTAGE OF COMPLAINTS BY GROUNDS



COMPLAINTS ON BASIS OF COLOUR/RACE

